

Act 76 Subgroup Newsletter 2

Released April 6, 2022: covering March 2022 content

This newsletter is intended to provide updates, information, and resources on Act 76 Subgroups. If you would like to be removed from the subgroup newsletter listserv, wish to add a recipient, or have any questions, please email Rachel Wood at rachel.wood@vermont.gov.

Newsletter Content: (click to jump to sections): covers subgroup meetings that occurred in March 2022.

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Chapters 2-4 Guidance

- **Team Lead Contacts:** Ben Copans and Ethan Swift
- **Subgroup Purpose:** Review draft chapters of CWSP guidance as chapter language is available.
- **Meeting Summary:**
 - Date: March 4, 2022
 - Summary:
 - Reviewed and discussed feedback on Guidance Chapter 4 with workgroup members
- **Next Meeting**
 - Date: TBD, DEC will be scheduling a meeting of the Chapter 2-4 workgroup later this month (April)
 - Agenda:
 - Consider additional feedback from Act 76 partners on the latest draft of Chapter 4 to advance a final draft.
 - Upcoming meeting topics:
 - Deliberate process for the drafting and review of Chapter 6 content

Data Management and Reporting

- **Team Lead Contacts:** Helen Carr and Danielle Owczarski
- **Subgroup Purpose:** Review clean water project data management (funding, performance measures, phosphorus reductions, and reporting).
- **Meeting Summary:**
 - Date: March 29, 2022
 - Summary:
 - Online forms to access WPD-overview provided of test forms.
 - New project entry form

- Project update form
 - Project closeout form
 - Block grant closeout form
- WPD queries- note queries can be pulled from WPD search tool and exported to Excel or from the Project Explorer.
 - CWSP eligible Proposed projects
 - Completed projects by basin- for O&M use
- Data Standards Document (sent around after this meeting)
 - For full data standards and the reasoning behind them see the SOPs posted for public comment, instructions below.
- P calculator tools discussion
 - To be continued next time
- **Posted for Public Comment:**

The final draft Standard Operating Procedures (SOPs) for Phosphorus Tracking and Accounting are posted for public comment now through May 2nd with a public meeting scheduled for April 15th

 - Visit the [Clean Water Service Delivery Act webpage Public Notice section](#) for instructions on how to comment using the Environmental Notice Bulletin (ENB) and details on the April 15, 2022 public meeting.

Enhancement Grant Structure

- **Team Lead Contact:** Gianna Petito
- **Subgroup Purpose:** To cover distinction from formula grants, eligible project types, prioritization, grant-making structure (i.e., block grants?), and project phasing.
- **Meeting Summary:**
 - Date: March 2, 2022
 - Summary:
 - Reviewed points of agreement to date. Workplan and discussion re-organized under following themes:
 - Granting Structure
 - Eligible project types and steps
 - Prioritization and selection guidance
 - Project advancement and DEC program/regulatory touchpoints
 - Distinguishing from Formula Grants
 - “Other”
 - Re. Granting Structure. Proposed enhancement grants as a cluster of spending initiatives, and identified which initiatives are desirable to maintain as status quo (wetlands incentive payments, woody buffer block grants, dam removal block grants, and river corridor easements). Further discussion on how best to organize funding for project ID/assessments, project development, and design and implementation (i.e. bundled in a single block grant initiative or split out like status quo?). Challenges include best mechanism for coordinating with DEC technical staff, allowing flexibility to block grant holders to adjust spending

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between project steps while ensuring full pipeline, including local partners in assessment work, and ensuring sufficiently knowledgeable funding review committees based on project types. Flagged for more discussion.

- Re. Project Type Eligibility. Agreement that project types will match existing eligible project types in the CWIP Funding Policy with definitions to be updated and expanded to allow for less focus on nutrient reduction. Confirmed that projects must still have a water quality benefit to align with purpose of the Clean Water Fund (could be to protect high quality waters, maintain or improve water quality, or restored degraded or stressed waters). Added other eligibility standards to align with existing design/implementation block grants. Remaining items for discussion include project type definitions, and what's listed as ineligible budget items and project types in the funding policy.
- Re. Eligible project steps. Concern raised over lack of O&M funding for enhancement projects. Discussed potential for project adoption by CWSPs in formula grant basins. Flagged for future discussion.
- Re. Project prioritization and selection. Request was made for a draft decision tree on how to implement the proposed guidance to navigate the different prioritization inside and outside formula grant basins. Will be reviewed at future meeting. Request was made for further defining "resilient watersheds" and "public's use and enjoyment."

- **Next Meeting:**

- Date: April 8, 2022
- Agenda:
 - Review sub-group workplan/timetable
 - Finalize granting structure for project ID/assessments, development, design, and implementation

Formula Grant and Fund Allocations

- **Team Lead Contacts:** Emily Bird and Ben Copans
- **Subgroup Purpose:** to build stakeholder understanding of targets and fund allocation methodology and to gather and address stakeholder input prior to posting methodology for 30-day public notice/comment.
- **Meeting Summaries:**
 - Date: March 10, 2022
 - Summary: March 10th was the final meeting of this subgroup meeting series, focused on finalizing approach to estimate project identification and development costs in the cost rate methodology, and the method for distributing project identification and development funds by watershed. The subgroup also reviewed a new section on "current limitations/uncertainty and future recommendations" highlighting areas to focus future updates to the methods. The subgroup meeting concluded by reviewing a "parking lot" of items for discussion beyond the scope of this subgroup that are planned

to be covered in other future stakeholder input venues. **Presentation slides are available upon request.**

- **Posted for Public Comment:**

The final draft Formula Grant Targets and Fund Allocation Methodology is posted for public comment now through May 2nd with a public meeting scheduled for April 12th

- Visit the [Clean Water Service Delivery Act webpage Public Notice section](#) for instructions on how to comment using the Environmental Notice Bulletin (ENB) and details on the April 12, 2022 public meeting.

Operation and Maintenance (O&M)

- **Team Lead Contacts:** Helen Carr and Jill Sarazen
- **Subgroup Purpose:** To review Operation and Maintenance manual, develop training structure and data management for Operation and Maintenance Verification.
- **Meeting Summary:** meeting not held in March
- **Next Meeting:**
 - Date: April 12, 2022, 3:30 pm
 - Topics to be discussed in this meeting include:
 - O&M training framework.
 - Update on guidance for site access agreements
 - any follow up on O&M manual

Resources

- **NEW** - Training for Clean Water Service Providers & Basin Water Quality Councils
 - The Watershed Planning Program developed a [Clean Water Service Provider Target Setting Primer](#) training video. During this video, you will learn about Total Maximum Daily Loads (TMDL) and the TMDL Implementation Plans for Lake Champlain and Lake Memphremagog. Our presenters will also discuss the regulatory and non-regulatory actions needed to meet the Phase 3 phosphorus reduction targets. They will describe how non-regulatory targets are set, along with the funding to achieve them.
 - Visit the [Engagement & Training webpage](#) to learn more and access a PDF version of the slides shown in the training.
 - We are asking for you to fill out the training [survey](#) by May 1, 2022. The survey will let you provide feedback on the training, suggest future trainings, and help us to develop an FAQ with your questions.

Other News

- **Posted For Public Comment:**
 - The following methodologies are posted for public comment now through May 2, 2022.
 - DRAFT Water Quality Restoration Formula Grant Targets and Fund Allocation Methodology (posted March 28, 2022)
 - DRAFT Standard Operating Procedures (SOPs) for Phosphorous Tracking & Accounting (to be posted March 31, 2022)

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- DRAFT Standard Operating Procedures for Tracking & Accounting of Agricultural Conservation Practices
 - DRAFT Standard Operating Procedures for Tracking & Accounting of Developed Lands Regulatory Projects & Non-Regulatory Clean Water Projects
 - DRAFT Standard Operating Procedures for Tracking & Accounting of Natural Resources Restoration Projects
- Visit the [Clean Water Service Delivery Act webpage Public Notice section](#) for a link to the above-listed DRAFT methodologies, instructions on how to comment using the Environmental Notice Bulletin (ENB), and details on April 12, 2022 and April 15, 2022 public meetings.